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Follow-up on the recommendations of the Permanent Forum

Information from States on addressing the recommendations of the Permanent Forum on Indigenous Issues

Note by the secretariat

Summary

The present report is a compilation of the responses from Member States to a questionnaire on action taken or planned to address and implement the recommendations of the Permanent Forum on Indigenous Issues. The questionnaire and the complete responses from States are available on the website of the Permanent Forum.

* E/C.19/2013/1.



I. Introduction

1. As of 1 March 2013, written responses to the questionnaire submitted for the twelfth session of the Permanent Forum on Indigenous Issues were received from Bolivia (Plurinational State of), Denmark and Greenland;¹ Ecuador and Paraguay. These States provided responses to the questionnaire, as well as overviews on the situation of indigenous peoples in their countries. The complete written responses from States can be found on the website of the Permanent Forum (<http://social.un.org/index/IndigenousPeoples/UNPFISessions/Twelfth.aspx>).

2. The responding Member States outlined their commitment to promoting the rights of indigenous peoples as well as the need to eliminate discrimination and marginalization within their countries. In May 2012, the Parliament of Denmark unanimously endorsed a new strategy for the country's development cooperation, entitled "The right to a better life". The new strategy has two interdependent aims, to reduce poverty and to assist people in realizing their right to a better life. To that end, Denmark intends to employ a human rights-based approach to development. The strategy indicates that the United Nations human rights conventions, standards, norms and instruments, such as the United Nations Declaration on the Rights of Indigenous Peoples, should serve as the compass that guides the political dialogue, concrete development interventions and partnerships. The protection of indigenous peoples' rights and the Millennium Development Goals form an integral part of the Danish development strategy.

3. On 22 January 2013, the Plurinational State of Bolivia celebrated its third year as a social, united State, encompassing the rights of a plurinational nation that is free, independent, sovereign, democratic, intercultural and decentralized. During this period, the Government prioritized public policies in favour of indigenous peoples and nations as well as peasant communities, guaranteeing their rights under domestic and international law.

II. Response to recommendations from the eleventh session of the Permanent Forum

4. In response to recommendation 4 adopted at the eleventh session of the Permanent Forum, Ecuador made reference to article 1 of its Constitution (2008), which acknowledges a constitutional State, with principles of rights and justice, which is democratic, sovereign, independent, united, intercultural, plurinational and secular. In response to recommendation 9, a new law on intercultural education in the Ecuadorian system was adopted in order to improve access to knowledge and the revitalization of ancestral knowledge, and to build an intercultural society.

¹ Greenland has an autonomous government within the Government of Denmark. Denmark submitted its report as Denmark and Greenland.

III. Efforts of Governments regarding indigenous peoples and the Millennium Development Goals

5. The Danish Government, in advocating implementation of Millennium Development Goal 2 as primary education, has provided support to the education sectors in Bolivia (Plurinational State of) and Nicaragua, where positive results have been achieved through targeted activities on intercultural bilingual education. An example from Bolivia (Plurinational State of) shows that the drafting of the new education law was influenced by the efforts of the Consejos Educativos de Pueblos Originarios de Bolivia, an organization funded by the Danish Centre for Political Studies which provided the impetus to strengthen the focus on indigenous values and visions within the educational system. In addition, the establishment, in 2012, of the Plurinational Institute for Language and Cultures was a result of the advocacy efforts of the Danish Centre, which also contributed to the formulation of the regionalized curriculum. The regionalized curriculum has been praised for its inclusive and participatory approach. In Guatemala, the Danish International Development Agency has promoted the training of master level, professional, indigenous, bilingual and intercultural teachers in the Guatemalan highlands.

6. With regard to Millennium Development Goal 3, in the promotion of gender equality and empowerment of women, the Danish International Development Agency has supported environmental programmes in Nicaragua, achieving significant results in the empowerment of indigenous women. Through training and awareness-raising activities, indigenous women are becoming conscious of their crucial role in sustainable forest management and gaining the confidence to raise their voices in various forums. In Guatemala, racism and discrimination issues have been addressed by indigenous women's networks in Sololá, including in the area of advocacy for judicial and human rights.

7. Since 2009, the Government of Ecuador has been developing actions aimed at achieving the Millennium Development Goals, particularly in the forest provinces in the country (Sucumbios, Chimborazo and Esmeraldas). The first phase of the programme for the development and cultural diversity was implemented by the Ministry of Patrimony with the support of the Millennium Development Goals Fund. The first phase of the programme has been successfully implemented, and the second phase has received regular funding from the Government. The aim of the programme is to promote culture and intercultural dialogue, and to address poverty, exclusion and discrimination, which prevent indigenous peoples from exercising their rights.

IV. Government responses to: (a) health; (b) education; (c) culture

8. At its twelfth session, the Permanent Forum on Indigenous Issues will review its recommendations in relation to health, education and culture. States were requested to provide information on how they deal with those issues within indigenous communities. Denmark stated that the Inuit in Greenland are Danish citizens and that Danish citizens moving from Greenland to Denmark have, in general, the same rights and obligations as other Danish citizens. Greenlanders residing in Denmark are covered by, inter alia, the Danish Act on Social Services.

9. The autonomous government of Greenland has taken over responsibility from Denmark in all domestic areas, including health care and education. Greenland has a modern and well-functioning welfare system providing free health care and education. The Arctic countries are facing some common challenges in health and are working together to find solutions, exchange knowledge and share experiences. Further information on the situation in Greenland is continued in previous reports submitted to the Forum on the home rule Government, including the introductory report on Greenland self-government (E/C.19/2009/4/Add.4).

10. Greenland and Denmark are participating actively in supporting preparations for the 2014 World Conference on Indigenous Peoples, including through support for the participation of indigenous peoples in their own preparatory processes. For example, the first indigenous brainstorming meeting on the World Conference, held in Copenhagen in January 2012, led to the establishment of the Indigenous Global Coordinating Group and the appointment of the indigenous co-facilitator, as well as financial contributions to the Arctic regional meeting on the Conference, held in Nuuk, the capital of Greenland, in October 2012. Financial contributions made to the Inuit Circumpolar Council as well as the indigenous support organization, the International Work Group for Indigenous Affairs, and will, inter alia, enable the convening of the global indigenous preparatory conference on the World Conference, to be held in Alta, Norway, in June 2013.

Health

11. Pursuant to its Constitution, the traditional medicine of the indigenous population has been integrated into the health system of Bolivia (Plurinational State of). The Vice-Minister of Traditional Medicine and Interculturalism has developed a national register of traditional doctors. In addition, the Ministry of Sport and Health has adopted a strategic framework on traditional medicine and interculturalism in health.

12. In Ecuador, the programme for the development and cultural diversity, headed by the Ministry of Patrimony, supports the efforts of hospitals to provide culturally appropriate birthing arrangements for women. Ecuador has also developed a manual on the role of midwives in the national health system. The Ministry of Justice and Human Rights has developed precautionary measures for the protection of indigenous peoples in voluntary isolation in the Tagaeri and Taromenane communities, and provides quarterly health visits to those communities which are located in the Amazon region.

13. In Paraguay, the Indigenous Health Department, through family health units, is implementing the national policy on indigenous health which includes providing medical assistance and collecting data on the health status of indigenous communities, including family planning and immunizations.

Education

14. Through its Policy Unit, the Ministry of Education of Bolivia (Plurinational State of) has focused on intercultural and multilingual education, in coordination with other ministries and peasant, indigenous and parent organizations, through a number of events and workshops on policy development. Computer centres have also been established in indigenous communities, benefiting more than 600 students at the primary and secondary levels. With the support of the United Nations

Children's Fund (UNICEF), bilingual education programmes have been established in the Amazon region to train teachers to lead the process of developing curricula and to carry out research and produce instructional materials. The country has also developed intracultural, intercultural and multilingual policies in order to include the participation of indigenous peoples in the functioning of the Institute of Languages and Cultures. The Ministry of Education has created a scholarship programme for indigenous students to attend third level institutes and universities. In 2012, universities that provide education in three indigenous languages (Universidades Indígenas Bolivianas Comunitarias Interculturales Productivas: Aymaya, Quechua and Guarani) were funded through 5 per cent of the direct tax on hydrocarbons.

15. In Ecuador, the law on superior education provides scholarships for indigenous peoples to cover the costs of studying for masters' or doctoral degrees in or outside the country. In addition, the Ministry on Education has a subsecretary on intercultural education, which guarantees policies on intercultural and bilingual education.

Culture

16. The Ministry of Cultures of Bolivia (Plurinational State of) was created solely to formulate and implement policies in the field of culture and tourism. Under that Ministry, the Vice-Ministry of Decolonization and the Vice-Ministry of Interculturalism pay particular attention to the revitalization and promotion of indigenous peoples' cultures and identities. The Vice-Ministry of Decolonization works to decolonize public institutions throughout the whole country, promoting, in particular, campaigns against racism and discrimination. The National Committee against Racism and Discrimination is also promoting the recognition of indigenous leaders and heroes. In February 2012, an action plan for 2012-2015 against racism and discrimination was adopted. On 21 December 2012, the Government organized an international event to mark the beginning of a new era, according to the Mayan calendar, and the "mandate of the Sun" was adopted.

17. In Ecuador, the Ministry of Culture promotes decolonization through the national system of festivities and through popular celebrations and projects to create intercultural centres in communities.

18. In Paraguay, the secretariat of the Presidency on Linguistic Policy coordinates with the Ministry of Education and Culture as well as the National Secretary of Culture on the development of linguistic policies. The Academy on the Guarani Language promotes laws to revitalize the language, promote research and establish a Guarani alphabet.

19. In line with previous recommendations of the Permanent Forum addressed to Member States, the Danish Government offers financial support to the United Nations Trust Fund on Indigenous Issues. In accordance with the Government's priorities, Denmark decided to more than double its support to the Trust Fund in the four-year period from 2010 to 2013. The major part of the contribution is dedicated to the small grants programme under the Second International Decade of the World's Indigenous People in support of indigenous peoples' organizations to promote, support and implement the objectives of the Decade.

20. Denmark and Greenland jointly promote the implementation of the objectives of the Second International Decade, in particular the goal of ensuring the participation of indigenous peoples in decision-making processes. Denmark and Greenland have also worked to ensure that due note is taken of the report of the Secretary-General to the Human Rights Council (A/HRC/21/24) and of General Assembly resolution 67/153 on the rights of indigenous peoples adopted at the sixty-seventh session of the Assembly.

V. Obstacles encountered by Governments in implementing the recommendations of the Permanent Forum

21. Denmark pointed out that there are numerous recommendations of the Permanent Forum and that it can be difficult to implement them as the situation of indigenous peoples is context driven. Moreover, some recommendations have a broad scope and may require significant measures such as legislative changes. An example is recommendation 8 of the eleventh session, regarding the recommendation to include the doctrine of discovery/dispossession in educational curricula. In addition, many recommendations are not applicable, or are not fully applicable, in the context of Denmark/Greenland.

22. Ecuador highlighted that with the adoption of its new Constitution in 2008, and the restructuring of the Government, additional time and effort will be needed to implement the recommendations of the Permanent Forum.

VI. Factors that facilitate government's implementation of the recommendations of the Permanent Forum

23. The close dialogue and constructive cooperation between Greenland and Denmark and the Inuit Circumpolar Council, including the Arctic Council, as well as the national framework of guidelines and strategies pertaining to indigenous peoples, all provide a basis for implementing the recommendations of the Permanent Forum.

24. Ecuador pointed out that it worked through its constitutional framework, particular institutions at the ministerial level, departments and specific programmes, including through coordinated work among those entities, to implement policies for the benefit of indigenous peoples. In addition, the statistics of the latest population census held in 2012, which incorporated ethnic and self-determination variables, provided important information to develop policies and programmes for indigenous peoples.

VII. Specific laws and/or policies addressing the issues of importance to indigenous peoples

25. As reported above (see para. 9), Greenland obtained self-government in 2009. There are guidelines on the policy of the Government of Denmark on indigenous issues, including a strategy for Danish support to indigenous peoples (2004) and a technical guide for civil servants working with development cooperation ("How-to"

note on indigenous peoples, 2011). Moreover, the Government's "Strategy for the Arctic 2011-2020" includes a number of goals that aim at ensuring the rights of the indigenous peoples living in the Arctic.

26. In 1991, Bolivia (Plurinational State of), signed International Labour Organization (ILO) Convention No. 169, and in 2007 the Government signed the United Nations Declaration on the Rights of Indigenous Peoples into law. Since its report to the eleventh session, the Government has: adopted a law against discrimination and racism; created departmental committees to combat racism and discrimination; and adopted a system to track and monitor complaints by indigenous peoples. In 2012, 73 per cent of the municipalities that were changing their status to obtain autonomy concluded their by-laws, and 62 per cent of those laws were submitted to the Plurinational Constitutional Tribunal. The law to protect indigenous peoples in danger of extinction, in voluntary isolation and in non-contactable status was adopted by decree on 2 July 2012. The law benefits, in particular, the Ayoreos indigenous peoples.

27. Since the adoption of its new Constitution in 2008, Ecuador has adopted a number of laws and policies on indigenous issues. The legislation covers various areas, including sport, advanced education, public service, citizen's participation, intercultural education, economy, finance, fellowship programmes and mechanisms to protect indigenous peoples in voluntary isolation.

28. The Constitution of Paraguay recognizes the rights of indigenous peoples to enjoy their own political, social, economic, cultural and religious systems, and, under the law, indigenous languages are protected and promoted. A number of laws recognizing the specific rights of indigenous peoples have led to the creation of a national policy on indigenous peoples, as well as to the establishment of the Paraguayan Indigenous Institute.

VIII. Government programmes, laws and institutions that address indigenous children and youth

29. Because a minority of Greenlanders living in Denmark are socially vulnerable, the Government plans to advance a strategy for their protection. Initiatives in Greenland related to the protection of vulnerable women and children and the promotion of their rights are described in the report of Denmark and Greenland to the eleventh session of the Permanent Forum (see E/C.19/2012/12).

30. The Ministry of Foreign Affairs of Ecuador, through a ministerial agreement of 2012, facilitates the education of indigenous youth for recruitment as diplomats. At present, of 70 diplomats recruited, 20 are indigenous peoples. There are other laws that promote the rights of indigenous children and youth in the areas of sports, intercultural education and advanced education, among others.

31. In the Plurinational State of Bolivia, the law on rights and linguistic policies promotes individual and collective rights. There is a programme to develop educational materials that prints documents, newsletters and publications in various indigenous languages.

32. In 2009, the National Secretary of Children and Adolescents of Paraguay established a section for indigenous children and adolescents. In 2010, the

Government established a department for indigenous children and adolescents, with the aim of decreasing the use of street children as child labour.

IX. Government programmes, laws and institutions that address indigenous women

33. During the fifty-sixth session of the Commission on the Status of Women, Ecuador supported the adoption of resolution 56/4 on indigenous women as key actors in poverty and hunger eradication (see E/2012/27). The fund for gender equality, supported by the Judicial Council of Transition, the National Women's Council and the Council for Gender Equality, provides the financing for projects to empower women, including indigenous women.

34. In 2010, the Plurinational State of Bolivia established a national coordination body for indigenous peoples (Coordinadora Nacional de Autonomías Indígenas Originarias Campesinas). The Vice-Ministry of Land, with the support of UN-Women, is implementing a programme to promote gender-equitable use and access to land, territories and natural resources.

35. The Government of Paraguay, through the Ministry of Women, promotes the implementation of the third national plan of equality and opportunity 2008-2017, which aims to strengthen the role of indigenous women, using an intercultural approach, within the framework of consultation and participation. Two main activities are promoted to implement the plan: (a) support for indigenous women's art and craft activities and support for their participation at national and international fairs to generate income; and (b) prompt attention in cases of violence or discrimination against indigenous women.

X. Government national institutions (ministry, department, ombudsman) on indigenous peoples' issues

36. Both the Ministry of Foreign Affairs and the Danish Institute for Human Rights have programmes that focus on the rights of indigenous peoples, as does the Arctic Council. In future, in its annual status report on human rights in Denmark, the Danish Institute will include a chapter focusing on the human rights situation in Greenland.

37. Ecuador reported the existence of many institutions working on indigenous peoples' issues, including the subsecretariat of intercultural bilingual education (<http://www.dineib.gob.ec>). In Paraguay, the Paraguayan Indigenous Institute (<http://www.indi.gov.py>) focuses on indigenous peoples' issues.

38. On 15 November 2012, the Parliament of Greenland adopted an act to establish a Greenland Council on Human Rights, which came into being on 1 January 2013. The independent Council will work together with the Danish Institute for Human Rights to promote and protect human rights in Greenland. The Council will appoint a member of the board of the Danish Institute to ensure close cooperation between the two institutions.

XI. Formal or ad hoc capacity-building programmes on indigenous peoples' issues for civil servants

39. Denmark does not have capacity-building programmes on indigenous peoples' issues for civil servants. However, a technical guide on indigenous peoples' rights produced in 2011 is available for civil servants and others. The government of Greenland is in the process of planning a seminar for civil servants in Danish ministries to be provided at the Greenland representation in Copenhagen.

40. Ecuador reported that the Ministry of Justice and Human Rights, in coordination with the Ministry of Patrimony and the Office of the United Nations High Commissioner for Human Rights, has launched the first training module on the collective rights of indigenous peoples. Various workshops have been organized for officials from the armed forces, the police, ombudsman's offices and the judiciary.

41. In 2012, in Paraguay, the Department of Health organized 19 training sessions for officials on intercultural issues, human rights and indigenous peoples. The Department is monitoring the attention provided by health officers to indigenous peoples. In addition, training sessions on national and international legislation for civil servants were organized, including the participation of representatives of the National Institute for Indigenous Affairs and organizations of indigenous peoples. Fourteen workshops were organized for some 501 civil servants of the Ministry of Education.

XII. Promotion and/or implementation of the United Nations Declaration on the Rights of Indigenous Peoples

42. Denmark and Greenland have worked closely together for years to promote indigenous peoples' rights. Denmark's first strategy to support indigenous peoples was prepared in 2004 based on a Danish/Greenland initiative. The establishment of the self-government arrangement for Greenland in 2009 is in itself an illustration of Denmark's implementation of the United Nations Declaration on the Rights of Indigenous Peoples. In 2011, a review of this strategy concluded that the Danish/Greenland cooperation has led to ground-breaking institutional results, as well as to improved living conditions for indigenous peoples.

43. Historically, Denmark and Greenland have been consistently active in international forums where indigenous peoples' rights are discussed. For instance, Denmark and Greenland participate actively in negotiations in the Human Rights Council and in the General Assembly on resolutions relating to indigenous peoples' rights. During the sixty-seventh session of the Assembly, Denmark and Greenland ensured that reference was made to the United Nations Declaration in the resolution on the implementation of the Convention on Biological Diversity and Denmark was a sponsor of the resolution on the rights of indigenous peoples.

44. In September 2012, as part of international efforts to promote the United Nations Declaration, the Danish Agency for Culture, the government of Greenland and the International Work Group for Indigenous Affairs organized an international expert workshop on the Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) and indigenous peoples. The workshop was held in Copenhagen as part of the fortieth anniversary of the adoption

of the World Heritage Convention in 1972, celebrated by the United Nations Educational, Scientific and Cultural Organization under the theme "World heritage and sustainable development: the role of local communities". The workshop resulted in a call to action and other supporting documents, including a list of nominations for World Heritage sites and related recommendations from the Expert Mechanism on the Rights of Indigenous Peoples and from the Permanent Forum, which were discussed during the workshop. In addition, a discussion was held on proposed amendments to the operational guidelines on free, prior and informed consent.

45. Over the past 20 years, as part of its development cooperation activities, Denmark has provided approximately \$70 million in continuing support to improve human rights and good governance in Central America. In 2012, Denmark approved a new multi-year development programme to improve human rights in the region, in particular the rights of indigenous peoples, women and human rights defenders. The support will be channelled through ILO, the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights and an international non-governmental organization working on human rights. Financial support from the Government to organizations such as United Nations Indigenous Peoples' Partnership, the Inuit Circumpolar Council (the only indigenous peoples' organization in Denmark) and the International Work Group for Indigenous Affairs also contributes to the practical implementation of indigenous peoples' rights.

46. On 10 February 2012, the Plurinational State of Bolivia in compliance with ILO Convention No. 169 and the United Nations Declaration, adopted consultation law No. 222 for indigenous peoples in the Isiboro Sécure National Park and Indigenous Territory.

47. In Ecuador, on 27 June 2012, the Inter-American Court of Human Rights ruled against the Government in the case of Sarayaku, indigenous peoples from the Amazon, concerning the encroachment of a foreign oil company on their traditional lands in the early 2000s without consultation with the Sarayaku peoples. Since the Government was notified by the Court, various payments have been made through the Ministry of Justice and Human Rights, and other reparation measures will also be implemented. In order to ensure that similar events do not occur, the Government will respect the rights of indigenous peoples recognized in the United Nations Declaration as well as in its national Constitution. In order to strengthen the relationship with the borders of Colombia and Peru, the Government of Ecuador has established binational technical committees to work on indigenous peoples' issues.